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Attorneys for Defendants
Z. AHMED, M.D.; M. SEPULVEDA, M.D.;
and J. CHUDY, M.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRENT LUIS GONZALEZ,

Plaintiff,

v.

Z. AHMED, M.D., et al.,

Defendants.

Case No.: 5:10-cv-05654-LHK
Assigned to Hon. Lucy H. Koh

**JOINT REQUEST FOR DISMISSAL
WITHOUT PREJUDICE PENDING
FINALIZATION OF SETTLEMENT**

1 The parties' counsel entered into a tentative settlement of this matter on October 16, 2014.
2 They are now in the process of complying with the formal procedures of the California
3 Department of Corrections (which is indemnifying the defendants), including finalizing a formal
4 settlement agreement and transferring the agreed settlement funds (which the California
5 Department of Corrections has indicated will take up to six months to complete). To allow time
6 to complete this process, on October 21, 2014, the parties jointly requested that the Court stay the
7 several imminent pretrial and trial deadlines and events. On October 21, 2014, the Court denied
8 the parties' former request to stay, but stated the parties (1) now may request the Court to dismiss
9 the action without prejudice, retaining jurisdiction to enforce the settlement agreement; and
10 (2) once the settlement is finalized and the settlement funds transferred, request the Court to
11 dismiss the action with prejudice;

12 THEREFORE, the parties plaintiff Brent Luis Gonzalez, and defendants Z. Ahmed,
13 M.D., M. Sepulveda, M.D., and J. Chudy, M.D., by and through their attorneys of record, request
14 that the Court:

- 15 1. Dismiss the action without prejudice, each party to bear its own fees and costs; and,
- 16 2. Retain jurisdiction to enforce the parties' settlement agreement.

17
18 Dated: October 22, 2014

FENWICK & WEST LLP

19
20 By: /s/Melanie L. Mayer

21 Lynn H. Pasahow
22 David K. Telleson
23 Melanie L. Mayer
24 Ewa M. Davison
25 Jeffrey A. Ware

26 Attorneys for Plaintiff
27 BRENT LUIS GONZALEZ
28

1 Dated: October 22, 2014

BURKE, WILLIAMS & SORESENSEN, LLP

2
3 By: /s/ Martin Kosla

4 Susan E. Coleman

Martin Kosla

5 Attorneys for Defendants

6 Z. AHMED, M.D.; M. SEPULVEDA, M.D.;

7 and J. CHUDY, M.D.

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ATTORNEYS AT LAW
MOUNTAIN VIEW

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Melanie L. Mayer, attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of October, 2014.

By: /s/Melanie L. Mayer

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**~~PROPOSED~~ ORDER DISMISSING
WITHOUT PREJUDICE PENDING
FINALIZATION OF SETTLEMENT**

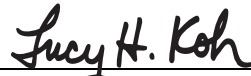
~~PROPOSED~~ ORDER DISMISSING WITHOUT
PREJUDICE PENDING FINALIZATION OF
SETTLEMENT
CASE NO.: 10-cv-05654-LHK

1 After reviewing the parties' Joint Request For Dismissal Without Prejudice Pending
2 Finalization of Settlement, and good cause appearing therefor,

3 **IT IS SO ORDERED** that

- 4 1. The case is dismissed without prejudice, each party to bear its own costs and
5 attorneys' fees; and,
6 2. The Court retains jurisdiction to enforce the parties' settlement agreement.
7 3. The Parties shall file any request to dismiss with prejudice by May 15, 2015.
8 The Clerk shall close the file.

9 Dated: October 22, 2014



The Honorable Lucy H. Koh
United States District Court Judge

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